IN THE HIGH COURT OF JUDICATURE:CHHATTISGARH:BILASPUR

(PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION) OF INDIA

W.P. No. 1893 /2001

PETITIONER : Shri Raghuveer Touring Talkies, Sakti through its present Proprietor Devendra Singh Thakur, aged about 51 years, S/o Late Chandrika Singh Thakur, R/O: Ward No.14, Stationpara,Sakti, District: Janjgir-Champa (Chhattisgarh).

Versus

RESPONDENTS :

1. The State of Chhattisgarh, through the Secretary (Cultural), Secretariate, DK Bhawan Government of Chhattisgarh, Raipur.
2. The District Magistrate Cum Competent Authority (Excise), Janjgir-Champa, Distt.:Janjgir-Champa (Chhattisgarh).
3. The Sub-Divisional Officer (Magistrate) Sakti, District: Janjgir-Champa

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(५५)

आदेश पत्रक

मामला क्रमांक W.P.No. 1893/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	19/10/2001 Shri Vishnu Koshtha, learned counsel for the petitioner. Shri Rajeev Shrivastava, learned counsel for the respondents. Heard. The order impugned was issued by the Collector, refusing to renew the licence which was earlier granted in favour of the father of the petitioner. On coming to know that the father of the writ petitioner died some time in 1990, notice was issued to the petitioner. On receipt of the reply the competent authority was of the view that the licence could not be transferred to the petitioner and after the death of the licensee the licence should stand revoked. Rule 120 of M.P. Cinemas (Regulation) Rules, 1972 states as under : "120. **Licences not transferable** :- A licence granted under these rules shall not be transferable but shall be personal for the benefit only of the person to whom it is granted and on the death of the licensee shall be deemed to be revoked."	

[पीछे देखिये

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

It appears that the competent authority has taken action giving an eye to the above provision. It is also stated by Shri Koshtha that in fact an application has been made before the competent authority for grant of licence in favour of the writ petitioner and the same is pending for disposal before the Collector, Janjgir - Champa. It appears to me that the order of cancellation of the licence earlier issued in favour of the father of the writ petitioner can not be assailed successfully. However, it also further appears to me that since Cinema Hall has been in existence for a long time in favour of the family of the petitioner in the name of the father of the writ petitioner, the Collector should consider the application for grant of licence sympathetically. Further let the Collector dispose of the application for grant of licence expeditiously in accordance with Law. It is for the competent authority to issue provisional licence if deemed fit by it.

With the above observations, this petition is disposed of.

Certified copy be supplied as per rules.

Sd/-
Chief Justice

GRPRJ—FS/311—1/2001—50,000.